

war, a conquest, a spoliation; every one must help to do It by paying taxes and doing military service or other duty which may be demanded of him. The decision of a lawsuit leaves one party protesting and complaining. He always speaks of "right" and "rights." He is forced to acquiesce. The result is right in the only sense which is real and true. It is more to the purpose to note that an indefinite series of consequences follow, and that they create or condition rights which are real and just. Many persons now argue against property that it began in force and therefore has no existence in right and justice. They might say the same of marriage or religion. Some do say the same of the state. The war of the United States with Mexico in 1845 is now generally regarded as unjustified. That cannot affect the rights of all kinds which have been contracted in the territory then ceded by Mexico or under the status created on the land obtained by the treaty of peace with that country. The whole history of mankind is a series of acts which are open to doubt, dispute, and criticism, as to their right and justice, but all subsequent history has been forced to take up the consequences of those acts and go on. The disputants about "rights"* often lose sight of the fact that the world has to go on day by day and dispute must end. It always ends in force. The end always leaves some complaining in terms of right and rights. They are overborne by force of some kind. Therefore might has made all the right which ever has existed or exists now. If it is proposed to reverse, reform, or change anything which ever was done because we now think that it was wrong, that is a new question and a new case, in which the anterior view alone is in place.

It is for the
new and future cases that we study historical cases
and form
judgments on them which will enable us to act
more wisely. If
we recognize the great extent to which force now
enters into all
which happens in society, we shall cease to be
shocked to learn
the extent to which it has been active in the entire
history of
civilization. T&F imbit of using jural concepts, which
is now so
characteristic of our mores, leads us into vague and
impossible
dreams of social affairs, in which metaphysical
concepts are sup-
posed to realize themselves, or are assumed to be
real.